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REFERENCE TITLE: **community college boards; technical correction**

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2079

Introduced by
Representatives Knaperek: Tully

AN ACT

AMENDING SECTION 15-1444, ARIZONA REVISED STATUTES; RELATING TO COMMUNITY COLLEGES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1444, Arizona Revised Statutes, is amended to
3 read:

4 15-1444. General powers of district governing boards

5 A. Except as otherwise provided, the district board shall:

6 1. Maintain each community college for a period of not less than eight
7 months in each year and, if the funds of the district are sufficient,
8 maintain each community college for a longer period.

9 2. Adopt policies in a public forum to offer programs that meet the
10 educational needs of the population served by the community college.

11 3. Enforce the courses of study prescribed by the district board.

12 4. Visit each community college under its jurisdiction and examine
13 carefully into its management, conditions and needs.

14 5. Exclude from each community college all books, publications or
15 papers of a sectarian, partisan or denominational character intended for use
16 as textbooks.

17 6. Appoint and employ a chancellor or chancellors, vice-chancellors, a
18 president or presidents, vice-presidents, deans, professors, instructors,
19 lecturers, fellows and such other officers and employees it deems
20 necessary. The district board may enter into employment contracts with
21 chancellors, vice-chancellors and presidents for a duration of more than one
22 year but not more than five years.

23 7. Determine the salaries of persons it appoints and employs.

24 8. Remove any officer or employee if in its judgment the interests of
25 education in this state require the removal.

26 9. Award degrees, certificates and diplomas upon the completion of
27 courses and curriculum as it deems appropriate.

28 10. Appoint or employ, if it deems necessary, police officers who shall
29 have the authority and power of peace officers. The police officers who have
30 received a certificate from the Arizona peace officer standards and training
31 board are eligible for membership in and benefits under either title 38,
32 chapter 5, article 2 or the public safety personnel retirement system under
33 title 38, chapter 5, article 4.

34 11. Determine the location within the district of a community college
35 and purchase, receive, hold, make and take leases of, sell and convey real or
36 personal property for the benefit of the community colleges under its
37 jurisdiction.

38 12. Obtain insurance or be self-insured, or a combination of insurance
39 and self-insurance, against loss, to the extent it is determined necessary on
40 community college buildings of the district. The local district shall have
41 an insurable interest in the buildings.

42 B. The district board may:

43 1. Administer trusts declared or created for the district and receive
44 by gift or devise and hold in trust or otherwise property wheresoever
45 located, and if not otherwise provided, dispose of the property for the
46 benefit of the district.

2. Lease real property, as lessor or as lessee. If a district is the lessee, the lease may contain an option to purchase the property. The district board may adopt policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to lease property under this paragraph. A district board shall not delegate the authority to execute a lease that exceeds one hundred thousand dollars per year. Any delegation by the district board pursuant to this paragraph may be rescinded in whole or in part at any time by the district board.

3. Sue and be sued.

4. Contract. The district board may adopt such policies as are deemed necessary and may delegate in writing to the chancellor or president of the district, or their designees, all or any part of its authority to contract under this paragraph. Any delegation of authority under this paragraph may be rescinded by the district board at any time in whole or in part.

5. Construct, remodel and repair buildings.

6. In conjunction with other districts, establish policies for procurement of goods and services.

7. Provide a plan or plans for employee benefits which may include optional retirement programs pursuant to section 15-1451, subsection A, which allow for participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.

8. Accept grants or donations of monies from the United States, or from any of its agencies, departments or officers, or from persons, corporations, foundations or associations. A district board shall deposit the monies into a specific fund or account and a district board shall administer the monies in accordance with the purpose of the grant or donation with specific policies or restrictions as described or stipulated in the grant or donation. In the case of personal property granted or donated to or for the benefit of a community college district, a district board shall immediately transfer possession and ownership of the property to the designated district.

9. Enter into intergovernmental agreements or contracts pursuant to section 11-952.01 for participation in programs offered by public agency pools or separately contract with a trustee or board of trustees that provides a common self-insurance program with pooled funds and risks pursuant to section 15-382, subsection B, paragraph 2. The district board is not required to engage in competitive procurement in order to make the decision to participate in these programs.

C. If a district acquires real or personal property, whether by purchase, exchange, condemnation, gift or otherwise, the district shall pay to the county treasurer any taxes on the property that were unpaid as of the date of acquisition, including penalties and interest. The lien for unpaid delinquent taxes, penalties and interest on property acquired by the district:

1 1. Is not abated, extinguished, discharged or merged in the title to
2 the property.

3 2. Is enforceable in the same manner as other delinquent tax liens.

4 D. From and after December 31, 1988, in a district whose boundaries
5 encompass a vehicle emissions control area as defined in section 49-541 the
6 district board shall require all out of county and out of state students to
7 sign an affidavit at the time of course registration that the student's
8 vehicle meets the requirements of section 49-542. From and after December
9 31, 1988, the district board on property under its jurisdiction within a
10 vehicle emissions control area shall prohibit the parking of those vehicles
11 which fail to comply with section 49-542.

12 E. A community college district and a joint technological education
13 district governing board may enter into agreements for the provision of
14 administrative, operational and educational services and facilities.

15 F. Each district may establish a program for the exchange of students
16 between the community colleges under its jurisdiction and colleges and
17 universities located in Sonora, Mexico. The program may provide for in-state
18 tuition for Sonora students at the community colleges under ~~its~~ **THE**
19 jurisdiction **OF THE DISTRICT** in exchange for similar tuition provisions for
20 Arizona students enrolled or seeking enrollment in Sonora colleges and
21 universities. The community colleges may work in conjunction with the
22 Arizona-Mexico commission in the governor's office to coordinate recruitment
23 and admissions activities to provide for in-state tuition for up to fifty
24 Sonora students at the community colleges under its jurisdiction in exchange
25 for similar tuition provisions for up to fifty total Arizona students
26 enrolled or seeking enrollment in Sonora colleges and universities.

27 G. Each district shall facilitate transfer articulation coordination
28 pursuant to section 15-1824.